

IN THE SENATE

SENATE BILL NO. 1039, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PROPERTY; AMENDING CHAPTER 3, TITLE 55, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 55-314, IDAHO CODE, TO PROVIDE THAT FEES IMPOSED
3 ON RESIDENTIAL TENANTS SHALL BE REASONABLE, TO PROHIBIT FEES, FINES,
4 ASSESSMENTS, INTERESTS, OR OTHER COSTS UNDER CERTAIN CIRCUMSTANCES,
5 TO PROVIDE APPLICABILITY, AND TO CLARIFY STATUTORY CONSTRUCTION; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 3, Title 55, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 55-314, Idaho Code, and to read as follows:

12 55-314. LIMITATION ON FEES FOR TENANTS OF A RENTAL PROPERTY. (1) Any
13 fees imposed on a residential tenant, including fees for the late payment of
14 rent, shall be reasonable.

15 (2) An owner may not charge to the tenant of a rental property a fee,
16 fine, assessment, interest, or other cost:

17 (a) In an amount greater than that agreed upon in the rental agreement;
18 or

19 (b) That is not included in the rental agreement, unless:
20 (i) The rental agreement is an oral agreement; or
21 (ii) The rental agreement is written, and the owner provides the
22 tenant a written thirty (30) day notice of the change in the fee,
23 fine, assessment, interest, or other cost.

24 (3) The provisions of this section shall apply to rental agreements en-
25 tered into or renewed on or after July 1, 2023.

26 (4) Nothing in this section shall be construed to limit the amount that
27 can be charged for rent.

28 SECTION 2. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after
30 July 1, 2023.